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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,117	04/18/2006	Ulrich Bohne	3628	4805

7590 03/31/2009  
Striker, Striker & Stenby  
103 East Neck Road  
Huntington, NY 11743

EXAMINER
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DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

MAIL DATE	DELIVERY MODE
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03/31/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,117	<b>Applicant(s)</b> BOHNE, ULRICH	
	<b>Examiner</b> Clark F. Dexter	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☒ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/18/06; 10/9/08</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on September 13, 2004. It is noted, however, that a certified copy of the German application has not been received in the application file.

### ***Information Disclosure Statement***

2. The information disclosure statements filed on April 18, 2006 and October 9, 2008 have been received and the references listed thereon have been considered.

### ***Abstract***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

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4. The abstract of the disclosure is objected to because it includes more than one paragraph, because of the use of "means" in line 4, and because "(Fig. 2) should be deleted. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

5. Claims 1-8 are objected to because of the following informalities:

In claim 1, line 2, "having" is not sufficiently clear as to what it refers.

In claim 6, line 3, the recitation "by means" is not sufficiently clear and it is suggested to delete "means".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Wurst, Pub. No. 2002/0104421.

Wurst discloses a tool unit with every structural limitation of the claimed invention including:

a fastening means (e.g., 26) for attachment to the output unit, and having a working edge (e.g., 24) that transitions into a lateral boundary line (e.g., 32, 34; or any

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line, which by definition is imaginary, that extends from the working edge), wherein the working edge is arc-shaped;

[claim 2] wherein the arc-shaped working edge is constituted by the circumference of a circle around whose center point the fastening means is situated (e.g., see paragraph 0042, lines 7-9);

[claim 3] wherein at least one end of the working edge is situated at an angle of less than or equal to  $95^\circ$  in relation to the lateral boundary line on at least one side (e.g., a boundary line can be drawn that meets this limitation);

[claim 4] wherein the working edge is constituted by the circumference section of a circle sector and each of the two ends of the working edge is situated at an angle in relation to a respective lateral boundary line extending in the radial direction;

[claim 5 (from 4)] wherein the circle sector extends over an angular range of between  $30^\circ$  and  $270^\circ$  (e.g., see paragraph 0047);

[claim 6 (from 4)] wherein the radially extending boundary lines are connected to each other by means a connecting contour (e.g., the inner portion of the tool unit) before they reach the center point;

[claim 7] wherein the working edge is constituted by the circumference of a circle segment and each of the two ends of the working edge is situated at an angle in relation to a respective lateral boundary line, each of which is essentially constituted by the straight section of the circle segment;

[claim 8] wherein the working edge is provided with saw teeth.

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8. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Treace, pn 2,557,364

Treace discloses a tool unit (e.g., see Figure 5) with every structural limitation of the claimed invention including:

a fastening means (e.g., at 21) for attachment to the output unit, and having a working edge (e.g., 24) that transitions into a lateral boundary line (e.g., the edges extending radially from 24; or any line, which by definition is imaginary, that extends from the working edge), wherein the working edge is arc-shaped;

[claim 2] wherein the arc-shaped working edge is constituted by the circumference of a circle around whose center point the fastening means is situated (e.g., see col. 2, line 40);

[claim 3] wherein at least one end of the working edge is situated at an angle of less than or equal to 95° in relation to the lateral boundary line on at least one side (e.g., the radially extending edges of the blade and/or any boundary line that can be drawn that meets this limitation);

[claim 4] wherein the working edge is constituted by the circumference section of a circle sector and each of the two ends of the working edge is situated at an angle in relation to a respective lateral boundary line extending in the radial direction;

[claim 5 (from 4)] wherein the circle sector extends over an angular range of between 30° and 270°;

[claim 6 (from 4)] wherein the radially extending boundary lines are connected to each other by means a connecting contour (e.g., the inner portion of the tool unit) before they reach the center point;

[claim 7] wherein the working edge is constituted by the circumference of a circle segment and each of the two ends of the working edge is situated at an angle in relation to a respective lateral boundary line, each of which is essentially constituted by the straight section of the circle segment;

[claim 8] wherein the working edge is provided with saw teeth.

9. Claims 1, 3 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Paulus, pn 4,114,493 (hereafter "Paulus '493).

Paulus '493 discloses a tool unit with every structural limitation of the claimed invention including:

a fastening means (e.g., at 22) for attachment to the output unit, and having a working edge (e.g., 26) that transitions into a lateral boundary line (e.g., 27, 28, or any line, which by definition is imaginary, that extends from the working edge), wherein the working edge is arc-shaped;

[claim 3] wherein at least one end of the working edge is situated at an angle of less than or equal to 95° in relation to the lateral boundary line on at least one side (e.g., at 25, and/or any other boundary line that can be drawn that meets this limitation);

[claim 8] wherein the working edge is provided with saw teeth.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/  
Primary Examiner, Art Unit 3724**

cfd  
March 26, 2009